

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Mercedes Bayon	Team: Team # 7	CCRB Case #: 200818141	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 12/16/2008 8:25 PM	Location of Incident: Inside of § 87(2)(b) [REDACTED]		Precinct: 47	18 Mo. SOL 6/16/2010	EO SOL 6/16/2010
Date/Time CV Reported Tue, 12/16/2008 8:25 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Wed, 12/17/2008 7:57 AM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM Darell Dennison	10985	943159	BX/Q IM
2. POM Wilson Alba	09921	936109	BX/Q IM

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM George Puthussery	05784	942384	BX/Q IM
2. POF Stacey Coulter	13394	943110	BX/Q IM

Officer(s)	Allegation	Investigator Recommendation
A.POM Darell Dennison	Force: PO Darell Dennison used physical force against § 87(2)(b) [REDACTED]	[REDACTED]
B.POM Darell Dennison	Abuse: PO Darell Dennison frisked § 87(2)(b) [REDACTED]	[REDACTED]
C.POM Wilson Alba	Discourtesy: PO Wilson Alba spoke obscenely and rudely to Anna § 87(2)(b) [REDACTED]	[REDACTED]
D.POM Wilson Alba	Abuse: PO Wilson Alba threatened § 87(2)(b) [REDACTED] with the use of force.	[REDACTED]

## Case Summary

§ 87(2)(b) filed this complaint with the CCRB on December 16, 2009, on behalf of herself, § 87(2)(b) and § 87(2)(b) via the call processing system. § 87(2)(b) made a subsequent complaint with the Internal Affairs Bureau on December 18, 2009, which was referred to the CCRB on December 20, 2009 via IAB log# 08-57508.

On December 16, 2009, PO George Puthussery and PO Darell Dennison conducted a vertical patrol at § 87(2)(b) in the Bronx. PO Puthussery and PO Dennison encountered § 87(2)(b) on the stairwell and called PO Stacey Coulter and PO Wilson Alba to the location for translation because § 87(2)(b) spoke Spanish. The following allegations resulted:

- **Allegation A: Force-** PO Darell Dennison used physical force against § 87(2)(b). § 87(2)(b) alleged that PO Dennison punched her in the face from which she sustained a bruise on her lip. § 87(2)(b), § 87(2)(g)
- **Allegation B: Abuse of Authority-** PO Darell Dennison frisked § 87(2)(b). § 87(2)(b) alleged that PO Dennison frisked her. § 87(2)(b), § 87(2)(g)
- **Allegation C: Discourtesy-** PO Wilson Alba spoke obscenely and rudely to § 87(2)(b)
- **Allegation D: Abuse of Authority-** PO Wilson Alba threatened § 87(2)(b) with the use of force. § 87(2)(b)

## Results of Investigation

### Civilian Statement(s)

#### **Complainant:** § 87(2)(b)

- § 87(2)(b) is a § 87(2)(b).

### **CCRB Statement** (encl 5A-5D)

§ 87(2)(b) was interviewed at the CCRB on February 24, 2009.

On December 16, 2008, at approximately 8:25pm, § 87(2)(b) was inside of her home located at § 87(2)(b) § 87(2)(b) § 87(2)(b) heard a knock on the door and her

son, § 87(2)(b) looked through the peep hole and told § 87(2)(b) that there were officers outside of the door. § 87(2)(b) then got up and walked towards the door and when § 87(2)(b) opened the door, § 87(2)(b) came walking in and the officers walked away and went down the elevator. § 87(2)(b) told § 87(2)(b) to look at § 87(2)(b)'s face because she appeared to be injured. When § 87(2)(b) looked at § 87(2)(b)'s face, she observed a blister on her inner lip. § 87(2)(b) asked § 87(2)(b) what happened and § 87(2)(b) informed § 87(2)(b) that she was sitting on the steps right outside of the apartment smoking a cigar and two officers grabbed her and threw her against the wall in the stairwell. § 87(2)(b) then went downstairs to speak with the officers. § 87(2)(b) stated that there were four officers downstairs, PO1 (male, possibly Indian, tan skin, about 6'0" in height, 180lbs and in uniform), identified PO George Puthussery, PO2 (white male, about 5'9" in height with brown hair and in uniform), identified as PO Darell Dennison, PO3 (white female, approximately 5'1" in height, 120lbs and in uniform), identified as PO Stacey Coulter and PO4 (Hispanic male, 5'5"-5'6" in height, tan skin tone with a round face, wearing a hat and in uniform), identified as PO Wilson Alba. When § 87(2)(b) went downstairs she asked the officers what happened. PO Alba told § 87(2)(b) that PO Puthussery and PO Dennison found § 87(2)(b) asleep on the stairs and § 87(2)(b) asked why they abused § 87(2)(b) but no one answered her. § 87(2)(b) informed the officers that § 87(2)(b) is autistic and then stated that she was going back upstairs and calling 911. § 87(2)(b) stated that PO Alba was the only officer she interacted with.

§ 87(2)(b) went upstairs and called 911 and told the operator what had happened. § 87(2)(b) then went downstairs with § 87(2)(b) and saw that a few more officers arrived in response to her calling 911. § 87(2)(b) stated that she could not give a description of these officers because she did not interact with them, § 87(2)(b) only remembered that there were two black male officers and that all the officers that were downstairs were in uniform. § 87(2)(b) stated that while she was downstairs the second time, she continued to ask the officers what happened because she did not understand how § 87(2)(b) obtained her injuries. None of the officers who responded to her 911 call helped her and they only spoke amongst each other. None of the officers were able to communicate with her except for PO Alba because § 87(2)(b) speaks very little English nor does she understand English. § 87(2)(b) stated that PO Alba was the only officer who interacted with her and alleged that he was making fun of her saying in Spanish that she was "fat." § 87(2)(b) stated that she was infuriated that the officers were making fun of her because she felt discriminated and knows they were making fun of her because she could not communicate in English. § 87(2)(b) went upstairs and called 911 a second time and told them that the officers who responded were not helping her and asked if other officers could be sent over to find out what happened. § 87(2)(b) then hung up the phone and went downstairs with § 87(2)(b) and had a piece of paper in her hand to write down the officers' information. When § 87(2)(b) went downstairs, no other officers had arrived. § 87(2)(b) stated that when she went downstairs she did not ask the officers for their information, she only wrote down all of the officers name's on a piece of paper, which she presented during her CCRB interview.

§ 87(2)(b) stated that nothing was being done and that PO Puthussery was writing something down, but she was not able to communicate with him and PO Alba was not of any assistance in telling her what exactly happened. § 87(2)(b) stated that at that time she began walking towards the elevators and when she turned to look back, § 87(2)(b) was speaking with PO Alba. § 87(2)(b) then walked over to § 87(2)(b) and over heard him asking PO Alba what happened to his aunt, § 87(2)(b) and PO Alba told him to, "Get inside before I break your teeth," in Spanish. § 87(2)(b) then told PO Alba that he should not speak like that because he was going to make a complaint against him.

§ 87(2)(b) and § 87(2)(b) walked to the elevators and went upstairs. Once upstairs, § 87(2)(b) called 911 a third time and spoke with an officer who identified himself as Sgt. Rodriguez, who took her complaint. Sgt. Rodriguez advised § 87(2)(b) not to go back downstairs if they were not helping her. § 87(2)(b) stated that she was able to explain the entire situation and that Sgt. Hernandez was very helpful and stated that he requested an ambulance for § 87(2)(b). § 87(2)(b) stated that she did not go back downstairs and did not interact with these officers again. When the ambulance arrived, § 87(2)(b) and § 87(2)(b) accompanied § 87(2)(b) to § 87(2)(b) where she was treated for her injuries.

§ 87(2)(b) stated that § 87(2)(b) remained upstairs the entire time and did not go downstairs. After § 87(2)(b) spoke with § 87(2)(b), § 87(2)(b) informed her that PO Puthussery and PO Dennison approached her, threw her against the wall, placed her in handcuffs and patted her down. PO Puthussery and PO Dennison were unable to communicate with § 87(2)(b) so they requested that additional officers respond and translate at which time PO Coulter and PO Alba responded. PO Coulter and PO Alba arrived after PO Puthussery and PO Dennison allegedly used physical force against § 87(2)(b) and frisked her.

**Victim:** § 87(2)(b)

- § 87(2)(b) is a § 87(2)(b)

**Statement to Medical Personnel** (encl. 12F)

On December 17, 2009, § 87(2)(b) was treated at § 87(2)(b) at which time she informed medical personnel that she has been pushed and injured by two policemen while smoking a cigar outside on her steps.

**CCRB Statement** (encl. 6A-6E)

§ 87(2)(b) was interviewed at the CCRB on February 24, 2009.

On December 16, 2008, § 87(2)(b) was sitting on a set of steps outside of her apartment located at § 87(2)(b). § 87(2)(b) stated that she was smoking a cigar and two officers approached her. § 87(2)(b) was unable to give detailed descriptions as she is Autistic and at time it was difficult to get her to give specifics and answer questions. § 87(2)(b) described the two officers as, PO1 (male, "Indian looking", light skinned and around 20 years old in uniform), identified as PO George Puthussery and PO2 (white male, around 20 years old and in uniform), identified as PO Darell Dennison. § 87(2)(b) stated that both PO Puthussery and PO Dennison approached her, made her stand up and grabbed her by her arms and threw her against the wall, placed her in handcuffs and frisked her by touching over her clothes at the sides of her body. § 87(2)(b) did not describe the force as excessive but that rather she was pressed up against the wall and held there face first. § 87(2)(b) described that the officers did not touch her inappropriately and that they only patted her down along the sides of her legs by her pocket area of her pants. § 87(2)(b) stated that she had already been almost finished smoking the cigar when the officers arrived. § 87(2)(b) stated that PO Dennison punched her in the face with a closed fist causing her to have a bruise on her lip. After § 87(2)(b) was handcuffed, the officers sat her back down on the steps, but § 87(2)(b) and the officers were unable to communicate. § 87(2)(b) did not recall who placed her in handcuffs. PO1 and PO2 then called for another two officers to arrive and communicate with § 87(2)(b). § 87(2)(b) stated that PO3 (Hispanic male about 5'9" in height and in uniform), identified as PO Wilson Alba and PO4 (white female in uniform), identified as PO Stacey Coulter, arrived and PO Alba began asking her

questions about whether she had been smoking marijuana. § 87(2)(b) stated that she knew nothing about marijuana and the officers did not find any on her. § 87(2)(b) stated that she told the officers that there are young people who live upstairs and that they smoke marijuana in the hallways.

The handcuffs were taken off of § 87(2)(b) and PO Alba asked § 87(2)(b) for her name and asked her where she lived at which time she pointed to § 87(2)(b) which is located directly in front of the stairs she was sitting on. All the officers then walked § 87(2)(b) to the apartment, left her there and walked away.

**Witness:** § 87(2)(b)

- § 87(2)(b) is a § 87(2)(b)

**CCRB Statement** (encl. 7A-7C)

§ 87(2)(b) was interviewed at the CCRB on February 24, 2009.

On December 16, 2008, § 87(2)(b) was inside of his home located at § 87(2)(b) when he heard a knock on the door. § 87(2)(b) went to the door and looked through the peep hole and observed his aunt, § 87(2)(b) standing outside of the door with officers. § 87(2)(b) stated that he yelled out to his mom that officers were at the door and then proceeded to open the door, at which time § 87(2)(b) walked into the apartment and the officers began walking away and went down the elevator. § 87(2)(b) stated that there were four officers all in uniform who he saw walking away. § 87(2)(b) described the four officers as follows: PO1 (white male, 5'10"-6'1", medium body build and in uniform), identified as PO Darell Dennison, PO2 (Hispanic/Dominican male, light skin tone, black hair, about 5'7", thin build and in uniform), identified as PO Wilson Alba, PO3 (Hispanic or white female, medium build, black hair and about 5'4"-5'5" and in uniform), identified as PO Stacey Coulter and PO4 (Indian male with hair around the sides of his head and bald in the middle top of his head and approximately 5'5"), identified as PO George Puthussery.

§ 87(2)(b) stated § 87(2)(b) entered the apartment and walked into the bathroom, at which time § 87(2)(b) observed that § 87(2)(b) had bruises on her face, which consisted of redness to her forehead area and scratches near her forehead. § 87(2)(b) then approached § 87(2)(b) who told her about the bruising on § 87(2)(b)'s face. § 87(2)(b) then looked at § 87(2)(b)'s face and then went downstairs while he stayed behind with § 87(2)(b). Moments later § 87(2)(b) returned upstairs called 911 and then went back downstairs and § 87(2)(b) went downstairs with her. § 87(2)(b) stated that when he went downstairs there were approximately 5-6 more uniformed officers standing around talking with PO Dennison, PO Alba, PO Coulter and PO Puthussery. § 87(2)(b) stated that § 87(2)(b) kept asking the officers what happened with § 87(2)(b) and why did they beat her up because what they did was an abuse because she is autistic and has never caused any problems. § 87(2)(b) stated that the officers were all laughing because § 87(2)(b) could not communicate well in English. PO Alba, who communicated with § 87(2)(b) in Spanish, told § 87(2)(b) that PO Dennison and PO Puthussery told him that when they encountered § 87(2)(b) she was asleep on the steps. PO Alba would not provide § 87(2)(b) with any other information and none of the other officers spoke with her. § 87(2)(b) was infuriated that she was not being helped by the other officers who arrived in response to her calling 911. § 87(2)(b) stated that he could not describe any of the officers who arrived except for one who he described as a black male officer in uniform.

Since no one was of any assistance, § 87(2)(b) and § 87(2)(b) went upstairs and § 87(2)(b) called 911 a second time. After § 87(2)(b) called 911 she went back downstairs again with § 87(2)(b). No other officers had arrived to help § 87(2)(b) because was frustrated that no one was giving her any answers as to how § 87(2)(b) sustained her injuries. § 87(2)(b) stated that all the officers continued to laugh at § 87(2)(b) and PO Alba was disrespectful because he called § 87(2)(b) “fat.” § 87(2)(b) stated that since § 87(2)(b) was still unable to get any answers from the officers, she turned to go back upstairs. § 87(2)(b) then told PO Alba not to disrespect his mother and PO Alba told § 87(2)(b) “Go back upstairs with your fat mother before I break your teeth.” § 87(2)(b) then told PO Alba that he should not speak like that and informed him that he would make a complaint about him. § 87(2)(b) walked to the elevators where § 87(2)(b) was standing and went back upstairs. Once upstairs § 87(2)(b) called 911 again and spoke to someone who helped her and got an ambulance for § 87(2)(b).

§ 87(2)(b) stated that he later spoke with his mom who informed him that two male officers approached § 87(2)(b) in the hall way and threw her up against the wall, frisked her and placed her in handcuffs. § 87(2)(b) did not witness any interaction between § 87(2)(b) and the officers and he stated that § 87(2)(b) did not go downstairs at any point when he and § 87(2)(b) went downstairs to speak with the officers.

#### **NYPD Statement(s):**

##### **Subject Officer: PO DARELL DENNISON**

- PO Darell Dennison is a § 87(2)(b).
- PO Dennison worked with PO George Puthussery in uniform and on foot assigned to patrol the Baychester Houses. PO Dennison worked 1800 x 0235 hours.

##### **Memo Book** (encl. 9A-9D)

PO Dennison’s memo book entries for December 16, 2008, stated that at 1947 hours he conducted a vertical patrol at 1851. At 2010 hours PO Dennison had one female stopped on the roof landing of the location § 87(2)(b) from criminal trespass. § 87(2)(b) was found passed out on the stairwell of the roof landing with a small cup of tobacco ashes right next to her. Upon questioning, § 87(2)(b) did not have identification and spoke little English. When § 87(2)(b) was told by the officers to put her hands to her side, she refused and kept putting her hands in her pocket. Fearing for safety, myself and PO Puthussery placed § 87(2)(b) in handcuffs. § 87(2)(b) flailed her arms and refused to be handcuffed. § 87(2)(b) was handcuffed after she calmed down and PO Alba and PO Coulter were called to respond to translate for § 87(2)(b). After PO Alba and PO Coulter arrived, § 87(2)(b) informed the officers that she hit her head on the right forehead on the stairwell.

##### **Stop and Frisk Report** (encl. 9E-9F)

PO Dennison prepared UF-250 number § 87(2)(b) for § 87(2)(b) which states that § 87(2)(b) was handcuffed and that § 87(2)(b) was found passed out on the staircase rooflanding. § 87(2)(b)’s demeanor was described as agitated and the report further states that § 87(2)(b) was frisked because she made furtive movements and refused to comply with officer’s directions.

**CCRB Statement** (encl. 9G-9H)

PO Darell Dennison was interviewed at the CCRB on August 18, 2009.

On December 16, 2008, at approximately 8:10pm, PO Dennison and PO Puthussery conducted a vertical patrol at § 87(2)(b). During their patrol, they encountered § 87(2)(b) who was passed out sleeping on the stairs on the roof landing. Next to § 87(2)(b) were ashes and a small cigar butt. Both PO Dennison and PO Puthussery proceeded to try and wake up § 87(2)(b) by calling out to her and then tapped her on her shoulder. When she woke up PO Dennison observed a small bruise which looked like scratches on the right side of her forehead. § 87(2)(b) was then instructed to stand to which she complied and the officers escorted her down to the fifth floor. § 87(2)(b) did not speak English and it was difficult to communicate with her. § 87(2)(b) continually put her hands in her back pockets and both PO Puthussery and PO Dennison instructed her numerous times to keep her hands out of her pockets; however, she did not listen to their commands.

At this time she continued to speak, but neither officer understood what she was saying and she continually moved her hands towards her back pockets and she was acting agitated. Both PO Puthussery and PO Dennison, fearing their safety, attempted to place her in handcuffs. § 87(2)(b) flailed her arms refusing to be placed in handcuffs at which time both PO Puthussery and PO Dennison had to overcome her strength by grabbing her arms and then placing her in handcuffs. PO Dennison denied pushing § 87(2)(b) against the wall. PO Dennison stated that neither PO Puthussery nor any other officer pushed her against the wall. After § 87(2)(b) was in handcuffs, he frisked her and then PO Puthussery got on the radio and requested additional units to respond to translate for § 87(2)(b). PO Alba and PO Coulter responded and PO Alba spoke with § 87(2)(b). After PO Alba spoke with § 87(2)(b) he informed the officers that she stated that prior to PO Puthussery and PO Dennison's arrival, she had walked up to the roof top landing to smoke her cigar at which time she tripped, fell and hit her head on the wall from which she sustained a bruise to her forehead. § 87(2)(b) also informed the officers that she resided in an apartment on the 5<sup>th</sup> floor and PO Alba walked her to her apartment door at which time someone answered for § 87(2)(b) and he left the location.

PO Dennison denied that he or any officer punched or pushed § 87(2)(b) at any point in time. He stated that when he arrived on the scene, she appeared agitated because she did not comprehend what was going on. After about two minutes after PO Alba, PO Coulter, PO Puthussery and PO Dennison went down stairs and a Hispanic female came downstairs, identified as § 87(2)(b) began screaming and cursing in Spanish at which time PO Alba attempted to speak with her, but she was acting irate and would not calm down. PO Alba was unable to speak with her because she continually cursed calling the officers, "Motherfuckers." At some point while § 87(2)(b) was down stairs, she approached PO Puthussery with her hand up in the air and her hand was balled up in a fist as if she was going to hit PO Puthussery; however, she put her hand down and did not get close to him. § 87(2)(b) then left and when she returned she was with a young Hispanic male, identified as § 87(2)(b) called 911 and several other officers arrived; however, PO Dennison did not recall the identities of the additional officers that arrived. PO Dennison denied that he or any other officer called § 87(2)(b) "fat," and denied threatening § 87(2)(b) with the use of force or stating, "Go back upstairs with your fat mother before I break your teeth." PO Dennison stated that while he was still at the location, an ambulance was called for § 87(2)(b) however, he did not see her leave in the ambulance and when he left the ambulance was still at the location.

**Witness Officer: PO GEORGE PUTHUSSERY**

- PO Puthussery is a § 87(2)(b)
- PO Puthussery worked with PO Darell Dennison in uniform and they were assigned to patrol the Baychester Houses.

**Memo Book** (encl. 8A-8E)

PO Puthussery's memo book entries for December 16, 2009, states that at 1947 hours he conducted a vertical patrol at § 87(2)(b). At 2010 hours he had one female stopped for possible criminal trespass within "A" stairwell on the 6<sup>th</sup> floor-roof top landing. § 87(2)(b) was found passed out on the stair well of a roof landing with a small cup of tobacco ash next to her. Upon questioning, the defendant had no identification and spoke little English. When officers told § 87(2)(b) to put her hands at her sides, she refused and kept putting her hands in her back pockets. Fearing for officer's safety, the officers tried to place cuffs on § 87(2)(b) and she flailed her arms refusing to be handcuffed. After § 87(2)(b) calmed down, she was placed in handcuffs and officers then called PO Alba and PO Coulter for translation. When PO Alba and PO Coulter arrived on the scene, § 87(2)(b) did say that she hit her head on the right side of her forehead against the stairwell. After finding of the details, officers prepared Uf-250 and unhandcuffed § 87(2)(b).

**CCRB Statement** (encl. 8F-8G)

PO George Puthussery was interviewed at the CCRB on August 25, 2009.

On December 16, 2008, at approximately 8:30pm, PO Puthussery and PO Dennison conducted a vertical patrol at § 87(2)(b). Upon entering the building, PO Puthussery and PO Dennison went up to the top floor and observed a female, identified as § 87(2)(b) passed out on the stairwell on the roof top landing. PO Puthussery described that § 87(2)(b) was seated on the steps with her head against the wall sleeping. PO Puthussery also observed a small cup of tobacco ashes next to § 87(2)(b). PO Puthussery and PO Dennison woke § 87(2)(b) up by tapping her on the shoulder. Once § 87(2)(b) woke up, PO Puthussery and PO Dennison escorted her downstairs to the 5<sup>th</sup> floor and began asking her if she resided in the building; however, she did not speak English and it was difficult to communicate with her. During this time § 87(2)(b) continually placed her hands in her back pockets. PO Puthussery told her numerous times to put her hands at her sides and to not place them in her back pockets; however, she did not comply. PO Puthussery stated that at that time, fearing for safety, he and PO Dennison attempted to place her in handcuffs and she refused to be placed in handcuffs and began flailing her arms. PO Puthussery described that he and PO Dennison over came her force and grabbed her by the arms, placed them behind her back and handcuffed her. PO Puthussery denied pushing § 87(2)(b) into a wall or using any physical force against her aside from putting her hands behind her back to place her in handcuffs.

Throughout this time, § 87(2)(b) seemed non compliant because they were having communication problems and she continued to speak in Spanish to the officers, but they did not know what she was saying. § 87(2)(b) was very agitated and spoke very loudly. PO Puthussery then called for additional officers to translate and PO Alba and PO Coulter responded. After she was placed in handcuffs, she was frisked; however, he did not recall who had frisked her or if it was done after the other officers arrived. Once PO Alba arrived, he spoke with § 87(2)(b) who informed them that she had fallen while walking up the stairs and hit her forehead



on the stairwell from which she hurt herself on her forehead and face. § 87(2)(b) also informed the officers that she resided in the building. After PO Alba translated for § 87(2)(b) she was released from being handcuffed and allowed to go to her apartment. PO Puthussery stated that he did not recall if any officers accompanied § 87(2)(b) to her apartment and added that PO Alba stated that she had a mental problem and may have been “slow.” Once § 87(2)(b) went to her apartment, the officers left and went downstairs. PO Puthussery denied that he or any officer punched § 87(2)(b) in the face and did not recall if § 87(2)(b) was frisked.

Once downstairs, a Hispanic female, identified as § 87(2)(b) went downstairs and began yelling and cursing at the officers. § 87(2)(b) walked towards PO Puthussery with her hand up in the air as if to hit him, but she put it back down. PO Alba began speaking with § 87(2)(b) but it was not possible to speak with her as she was acting irate. At some point in time, § 87(2)(b) went upstairs and then came back downstairs with a young Hispanic male, identified as § 87(2)(b). PO Puthussery stated that § 87(2)(b) called 911 and several other officers responded, but he did not recall their identity. PO Puthussery also stated that an ambulance arrived but he left the scene before anyone was taken into the ambulance. PO Puthussery denied that he or any officer called § 87(2)(b) fat or told § 87(2)(b) “Go upstairs with your fat mother before I break your teeth.”

**Subject Officer: PO WILSON ALBA**

- PO Wilson Alba is a § 87(2)(b).
- PO Alba worked with PO Stacey Coulter and they were assigned to foot post 14 in the vicinity of the Baychester Housing. PO Alba worked 1800 x 0235 hours in uniform.

**Memo Book** (encl. 11A-11C)

PO Alba’s memo book entries for December 16, 2009, states that at 2012 he received a call from PO George Puthussery regarding additional units to respond for translation at § 87(2)(b). § 87(2)(b) said that she hit her forehead against the wall before the officer had approached her. She said that she was smoking a cigar. At 2020 hours PO Alba conducted a vertical at § 87(2)(b) and at 2045 hours he resumed patrol.

**CCRB Statement** (encl. 11D-11E)

PO Wilson Alba was interviewed at the CCRB on August 18, 2009.

On December 16, 2008, at approximately 8:25pm, PO Alba and PO Coulter received a radio call from PO Puthussery requesting a translator. When PO Alba arrived, he observed § 87(2)(b) in the stairwell on the 5<sup>th</sup> floor and she was in handcuffs. PO Alba spoke with § 87(2)(b) at which time § 87(2)(b) informed him that she had gone to the rooftop landing to smoke a cigar and that while walking up the stairs, she tripped and fell causing her forehead to hit the wall from which she sustained a bruise. PO Alba stated that he did observe a small bruise which appeared to be reddish in color on her forehead. PO Alba informed § 87(2)(b) that it is illegal to be on the rooftop landing in the building and § 87(2)(b) seemed to understand at which time she informed PO Alba that she lived in § 87(2)(b) and PO Alba told PO Puthussery to take off the handcuffs.

PO Alba described that in speaking with § 87(2)(b) she remained calm because they were able to communicate speaking Spanish; however, he was able to determine that she was a person with a diminished mental capacity. He came to this determination based on her behavior during

their interaction because she was speaking slow and would stop, taking long pauses before answering his questions. PO Alba stated that § 87(2)(b) did not show him any other bruises aside from the visible bruise on her forehead. Furthermore, he stated that neither he nor any other officer frisked § 87(2)(b) while he was on the scene and he denied having any physical contact with § 87(2)(b). PO Alba denied that he or any other officer punched § 87(2)(b) or pushed her against the wall.

PO Alba did not recall if § 87(2)(b) had on glasses and stated that he did not observe her with any property nor did she complain about any property damage. Once § 87(2)(b) was released from being in handcuffs, PO Alba walked with § 87(2)(b) to her apartment and when someone answered the door, he walked away and went downstairs in the elevator. Once downstairs, approximately 2 minutes later, § 87(2)(b) came downstairs cursing, acting irate and charged at PO Puthussey as if she was going to hit him. PO Alba described that § 87(2)(b) had her hand up balled up in a fist as if she was going to hit the officer, and she then put her hand down. PO Alba tried to speak with § 87(2)(b) to explain to her what had happened; however, § 87(2)(b) continued to curse, would not listen and it was difficult to communicate with her due to her demeanor. At some point in time § 87(2)(b) went upstairs and when she returned, she was with a young Hispanic male, § 87(2)(b). PO Alba tried to speak with § 87(2)(b) but § 87(2)(b) would not speak with him. § 87(2)(b) had called the police and approximately 5 more officers arrived; however, he did not know the identity of the officers. PO Alba stated that § 87(2)(b) continually screamed calling the officers, “Motherfuckers.”

PO Alba stated that there was nothing much the officers could do because § 87(2)(b) was not communicating with them and was acting irate and at some point in time an ambulance arrived, but PO Alba did not recall if he observed § 87(2)(b) exit the location and get into the ambulance. PO Alba stated that the sergeant informed the officers to resume patrol and the officers left the location.

PO Alba denied threatening § 87(2)(b) with the use of force or stating, “Go back upstairs with your fat mother before I break your teeth,” and denied calling § 87(2)(b) “fat.” PO Alba also denied hearing any other officer making such a statement or use discourteous language.

**Witness Officer: PO STACEY COULTER**

- PO Stacey Coulter is a § 87(2)(b)
- PO Coulter worked with PO Wilson Alba assigned to foot post 19 within the vicinity of the Baychester Housing. PO Coulter worked 1800 x 0235 hours in uniform.

**Memo Book** (encl. 10A-10C)

PO Coulter’s memo book entries for December 16, 2008, states that at 2012 hours she received a call from PO Puthussey for additional units to respond to § 87(2)(b) for translation-roof landing (6A). § 87(2)(b) § 87(2)(b) § 87(2)(b) § 87(2)(b) stated that she hit her head against the wall before posts 18 and 20 arrived. She stated that she went to the roof landing to smoke tobacco, which was translated by PO Alba. PO Puthussey and PO Dennison prepared the UF-250 and let § 87(2)(b) go.

**CCRB Statement** (encl. 10D-10E)

PO Stacey Coulter was interviewed at the CCRB on August 25, 2009.

On December 16, 2008, at approximately 8:30pm, PO Coulter received a radio run from PO George Puthussery who stated that he needed assistance for someone to translate in Spanish and also that he needed a female officer to conduct a frisk on § 87(2)(b). PO Coulter and PO Alba responded to § 87(2)(b) and met with PO Puthussery and PO Dennison in the stairway of the 5<sup>th</sup> floor. Upon arriving on the scene, PO Coulter stated that she observed § 87(2)(b) who was in handcuffs seated on the stairs.

PO Alba spoke with § 87(2)(b) and informed the other officers that § 87(2)(b) had tripped while walking up to the roof top landing to smoke a cigar and fell, hitting her forehead on the wall in the stairwell. PO Alba stated that she did not use any physical force against § 87(2)(b) and she did not observe any other officer use any physical force against her and denied that she or any officer punched her in the face. She stated that she had arrived on the scene after § 87(2)(b) was already in handcuffs and that at that time her demeanor was calm. PO Alba then told PO Puthussery to remove § 87(2)(b)'s handcuffs because she resided in the building and they let her go to her apartment. PO Coulter did not recall if any officers walked § 87(2)(b) to her apartment.

Once § 87(2)(b) was released, PO Coulter and all the officers went downstairs. Once downstairs, a heavy set Hispanic female, identified as § 87(2)(b) went downstairs and began screaming and cursing at the officers. PO Coulter did not understand what the § 87(2)(b) was stating, but observed her raise up her hand as in a manner indicating that she was going to hit PO Puthussery; however, the § 87(2)(b) put her hand back down. PO Coulter denied that she or any other officer called § 87(2)(b) fat. § 87(2)(b) went back upstairs at some point and called 911 and several additional officers arrived on the scene; however, she did not recall their identities. When § 87(2)(b) returned down stairs, she was with a young Hispanic male, identified as § 87(2)(b). PO Coulter stated that the § 87(2)(b) was quiet and did not speak with anyone. PO Coulter denied that she or any officer stated, "Go back upstairs with your fat mother before I break your teeth," or threatened § 87(2)(b) with the use of force. At some point an ambulance arrived on the scene, but PO Coulter left because § 87(2)(b) went back upstairs. When PO Coulter left the location, the ambulance was still on the scene and no one had been taken into the ambulance.

#### **Medical Records** (encl. 12A-12F)

On § 87(2)(b), § 87(2)(b) was treated at § 87(2)(b) r. The doctor noted that § 87(2)(b) had a facial contusion, facial abrasion, a wrist abrasion and a wrist contusion. § 87(2)(b) was instructed to take either Tylenol or Advil if she experienced pain, but medication was not listed as necessary for her injuries. On the same date § 87(2)(b) also consulted with her primary doctor at Terrence Cardinal Cooke Health Care Center. § 87(2)(b) had an abrasion above her right eye, an excoriation on her right eyebrow, a small excoriation on the surface of her palm, a small abrasion on the surface of her wrist and a blister on the inside of her lower lip.

#### **NYPD Document(s)**

##### **NYPD Sprint** (encl. 13A-13C)

The NYPD Sprint states that there was a call made regarding an assault in progress at § 87(2)(b). § 87(2)(b) called the 911 operator and was connected to the Internal Affairs Bureau command center and stated that her sister, § 87(2)(b) was assaulted and placed

against the wall from which § 87(2)(b) sustained cuts to her mouth and forehead. EMS was called to the scene and § 87(2)(b) was transported to Montefiore Medical Center.

## **AIDED**

An AIDED report was requested; however, the request returned with negative results.

## **Roll Call** (encl. 13D-13E)

The roll call from the Housing Bureau BX/QNS Impact Response Team states that PO Alba was assigned to foot post 14, PO Puthussery was assigned to foot post 18, PO Coulter was assigned to foot post 19 and PO Dennison was assigned to foot post 20. All of the aforementioned officers were working during the time of the incident and their respective posts cover the vicinity of the Baychester Houses.

§ 87(2)(b), § 87(2)(c) (impair contract awards or CPA)

## **Civilian(s) CCRB History** (encl. 2A-2C)

- This is the first CCRB complaint filed by § 87(2)(b) and § 87(2)(b)

## **Subject Officer(s) CCRB History**

- PO Darell Dennison has been a member of the service for 2 years and there are no substantiated CCRB allegations against him (encl. 1A).
- PO Wilson Alba has been a member of the service for 4 years and there are no substantiated CCRB allegations against him (encl. 1B).

## **Conclusion**

## **Identification of Subject Officer(s)**

§ 87(2)(b) identified PO Puthussery, PO Dennison, PO Coulter and PO Alba by name during her CCRB statement. She stated that she obtained the officer's names from their uniform. § 87(2)(b) alleged that a Hispanic male officer called her "fat," and threatened § 87(2)(b) with the use of force, which § 87(2)(b) corroborated during his CCRB statement. PO Alba was the only Hispanic male officer on the scene and also acknowledged interacting with § 87(2)(b) and § 87(2)(b) therefore, a discourtesy allegation and threat of force allegation have been pleaded against him. § 87(2)(b) alleged that a white male officer, who was one of the officers to of have first interacted with her, frisked her and punched her in the face. PO Dennison was the only white male officer on the scene and acknowledged that he conducted a frisk of § 87(2)(b) therefore, a frisk allegation and a physical force allegation have been pleaded against PO Dennison.

## **Allegations Not Pleaded**

§ 87(2)(b) alleged that PO Dennison and PO Puthussery grabbed her and threw her against the wall. Although both PO Dennison and PO Puthussery denied doing so, § 87(2)(b) was being

uncooperative and subsequently handcuffed; therefore, the CCRB determined that the physical force does not rise to the level of misconduct, but rather it is procedural to place an individual against a wall or any other object such as a vehicle to place the individual in handcuffs. Furthermore, § 87(2)(b) did not describe the force as excessive. A physical force allegation has not been pleaded against PO Puthussery or PO Dennison regarding this allegation.

### **Investigative Findings and Recommendations**

#### **Allegation A: Force-PO Darell Dennison used physical force against § 87(2)(b)**

§ 87(2)(b) alleged that PO Dennison punched her in the face with a closed fist from which she stated she sustained a bruise to her lip. PO Dennison denied that he punched § 87(2)(b) which PO Puthussery corroborated during his CCRB statement. According to § 87(2)(b)'s medical documents she had scratches on her face and a blister on the inside of her bottom lip. During PO Alba's CCRB statement, he stated that § 87(2)(b) informed him that she had tripped and fallen on the stairs, which makes it unclear as to how § 87(2)(b) received her injuries. All of the

§ 87(2)(b), § 87(2)(g)

#### **Allegation B: Abuse of Authority-PO Darell Dennison frisked § 87(2)(b)**

§ 87(2)(b) alleged that PO Dennison frisked her after she was placed in handcuffs. PO Dennison acknowledged that he frisked § 87(2)(b) during his CCRB statement. Both PO Dennison and PO Puthussery described § 87(2)(b)'s demeanor as agitated and stated that she continually put her hands in her pockets and refused to comply with their commands to keep her hands at her sides. § 87(2)(b), § 87(2)(g)

#### **Allegation C: Discourtesy-PO Wilson Alba spoke obscenely and rudely to Anna § 87(2)(b)**

#### **Allegation D: Abuse of Authority-PO Wilson Alba threatened § 87(2)(b) with the use of force.**

§ 87(2)(b) alleged that PO Alba called her "fat," which § 87(2)(b) corroborated during his CCRB statement. Similarly, § 87(2)(b) alleged that PO Alba threatened him with the use of force by stating, "Go back upstairs with your fat mother before I break your teeth," which § 87(2)(b) corroborated during her CCRB statement. PO Alba denied calling § 87(2)(b) fat and also denied threatening § 87(2)(b) with the use of force or making such a statement, which was corroborated by PO Coulter, PO Puthussery and PO Dennison during their CCRB statements.

§ 87(2)(g)

Team: \_\_7\_\_

Investigator: \_\_\_\_\_

Signature

Mercedes Bayon \_\_\_\_\_

Print

Date

Supervisor: \_\_\_\_\_  
Title/Signature                      Print                      Date

Reviewer: \_\_\_\_\_  
Title/Signature                      Print                      Date

Reviewer: \_\_\_\_\_  
Title/Signature                      Print                      Date